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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

TODD R.G. HILL, et al.,
Plaintiffs,

v.

THE BOARD OF DIRECTORS,
OFFICERS, AND AGENTS AND
INDIVIDUALS OF PEOPLES
COLLEGE OF LAW, et al.,
Defendants.

No. 2:23-cv-01298-JLS-BFM

**ORDER ACCEPTING
MAGISTRATE JUDGE'S
INTERIM REPORT AND
RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Second Amended Complaint, the records and files herein, the Magistrate Judge's Interim Report and Recommendation, and Plaintiff Todd R.G. Hill's Objections to the Report and Recommendation. The Court has engaged in a de novo review of those portions of the Interim Report and Recommendation to which objections have been made.

The Court accepts the recommendations of the Magistrate Judge with one exception. The State Bar Defendant argues that its departments and committees should be dismissed with prejudice because those entities lack capacity to be sued. (ECF 137 at 5.) Under California law, it is the State Bar itself, and not entities under its control, that may sue and be sued. Cal. Bus. &

1 Prof. Code § 6001. The Defendants at issue—the Office of Chief Trial Counsel,
2 Board of Trustees, Office of Admissions, and Office of General Counsel—are not
3 named in any Cause of Action and are dismissed with prejudice.

4 ACCORDINGLY, IT IS ORDERED:

5 1. The Report and Recommendation is accepted.

6 2. Plaintiff's Request for Judicial Notice (ECF 102) is **granted**, but
7 only as to the existence of the attached State Bar exhibits, and not as to the
8 validity or accuracy of the contents of these exhibits.

9 3. Plaintiff's Second Request for Judicial Notice (ECF 106) is **denied**.

10 4. The moving Defendants' Motions to Dismiss the Second Amended
11 Complaint (ECF 58, 78, 88, 89, 92, 110, 122) are **granted in part**, as follows:

12 (a) the Second Amended Complaint is dismissed in its entirety for
13 Plaintiff's failure to comply with Rule 8;

14 (b) all of Plaintiff's claims against the State Bar and its committees
15 or departments (except for Plaintiff's Twelfth and Thirteenth Causes of
16 Action based only on Title IX), because these Defendants have Eleventh
17 Amendment immunity, are dismissed **with prejudice**;

18 (c) all of Plaintiff's claims against the individual State Bar
19 Defendants in their official capacity (except Plaintiff's Twelfth, and
20 Thirteenth Causes of Action based only on Title IX and his Sixth and
21 Seventh Causes of Action to the extent those claims may seek declaratory
22 or injunctive relief), are dismissed **with prejudice** because these
23 Defendants have Eleventh Amendment immunity;

24 (d) the Sixth Cause of Action is dismissed **with prejudice** to the
25 extent it seeks Federal Bar admission, as such relief is beyond this Court's
26 jurisdiction;

1 (e) Plaintiff's Fourteenth, Fifteenth, and Sixteenth Causes of Action
2 under 18 U.S.C. §§ 241, 242, and 245, are dismissed **with prejudice**
3 because there is no private right of action under those statutes; and

4 (f) Defendants Office of Chief Trial Counsel, Board of Trustees,
5 Office of Admissions, and Office of General Counsel are dismissed with
6 prejudice.

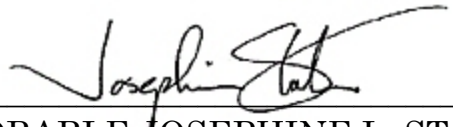
7 5. The moving Defendants' Motions to Dismiss are otherwise **denied**
8 **without prejudice**, including Defendant Gonzalez' Motion to Dismiss for
9 insufficient service of process; Defendant Spiro's request for sanctions; and the
10 individual State Bar Defendants Motion to dismiss based on quasi-judicial or
11 qualified immunity.

12 6. Plaintiff's Motion to Dismiss (ECF 89) is **dismissed as moot**.

13 7. **Not later than thirty days from the date of this Order**,
14 Plaintiff shall file a Third Amended Complaint remedying the deficiencies
15 detailed herein. To be clear, any claim that has been dismissed with prejudice
16 may *not* be reasserted in the Third Amended Complaint.

17 8. The Court Clerk shall serve this Order on all counsel or parties of
18 record.

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20 DATED: August 5, 2024

21 
22 HONORABLE JOSEPHINE L. STATON
23 UNITED STATES DISTRICT JUDGE
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